

Amendments to the Drawings:

The attached sheet of Drawings includes a new FIG. 1 which replaces the original FIG. 2 replaces the original FIGs 2 and previously omitted element 104 has been added.

Attachment: Replacement Sheet

Annotated Sheet showing changes.

RESPONSE

This is in response to the Office Action dated February 22, 2008. FIG. 1 has been amended to include previously omitted element 104. A corrected Drawing has been provided herewith. The objection to the Specification is also noted. The Specification, including the Abstract, has been amended to correct the cited informalities. Claims 1 – 5, 11 – 16, 19, 20, 26 – 28, and 30 – 36 have been amended. Claims 6 – 8, 10, 21, 22, 24, 37 and 38 have been cancelled. A terminal disclaimer is attached hereto.

The rejection of Claims 1, 14, 16 and 31 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention is respectfully traversed.

The Examiner takes the position that Claims 1, 14, 16 and 21 recite the limitation “identifying a Start Time” and further refer to this “start time” but it is unclear whether this “start time” refers to the beginning of the inclusion of a UOA-ID into a Type.

The Applicant submits that as stated on page 12 and 13 of the specification, a Start Time “is the earliest CCT for each specific UOA-ID per Type” and on page 13 Cohort Time “means that the Start Time is based on a defining event, which is the last date/clock time that the individual UOA-ID meets all of the eligibility criteria to be included into the population.” Accordingly, the Start Time will be set depending on the particular point in the process. In order to make the Claims more clear, the Start Time for the claims have been

more clearly identified.

The Examiner takes the position that Claim 14 recites in the preamble a “method ... wherein an Output Expressions are generated” and then goes on to state in a limitation the phrase “determining an Outcome” but there are many outcomes and outcome expressions delineated in the claims and specification. Consequently, the Examiner believes that Claim 14 is indefinite.

The Applicant submits that Claim 14 has been amended to make the claim more clear.

In view of the foregoing, the Applicant respectfully submits that the rejection of Claims 1, 14, 16 and 31 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter should be withdrawn.

The Examiner takes the position that Claims 1 – 3, 4 – 8, 10 – 38 are provisionally rejected on the ground of nonstatutory double patenting of claims of copending Application No. 10/693730*. (* Applicant believes the correct serial no. is 10/693790)

The Applicant submits that a terminal disclaimer is attached to this Response.

The rejection of Claims 4 – 8, 19 – 22 and 24 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter which the Applicant regards as the invention is respectfully traversed.

The Examiner takes the position that the broad application of the method of Claim 1 for use in trademark applications, evaluating web pages on the Internet, effects of similar trademarks, and warranty applications are vague and indefinite because these claims do not set forth any steps involved in the application of the method/process of Claim 1 to the stated application area. The Examiner believes that it is unclear what method/process steps and what definitions of terms the Applicant is intending to encompass in broadly stated application areas such as described in the Claims. Further, the Examiner takes the position that for example, Claim 6, is unclear as to what is meant by "evaluating web pages."

Claims 6 – 8, and 21, 22 and 24 have been cancelled. Claims 4 and 5 and 19 and 20 have been amended to more particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Applicant submits that the application of the method as claimed in Claims 4, 5, 19 and 20 are shown and described in the Specification and the Claims when read in light of the Specification clearly describes the claimed invention.

In view of the foregoing, the rejection of Claims 4, 5, 19 and 20 should be withdrawn.

The rejection of Claims 36 - 38 under 35 U.S.C. 101 is respectfully traversed.

Claims 37 and 38 have been cancelled. Claim 36 has been amended now recites

An Output Expression comprising a representation showing EAV trends of a particular Population having an eligibility criteria and formed from individual units each meeting at least one defined criteria, said trends are expressed in Cohort time segments based on a Start Time wherein each individual unit meets all of the eligibility criteria to be included into the Population; a showing NNT trends of a particular Population; said trends are expressed in Cohort time segments.

Accordingly, the Output Expression is a physical object comprising a representation that shows EAV trends expressed in Cohort time segments which can then be used for analysis. In view of the foregoing, the rejection of Claim 36 under 35 U.S.C. 101 should be withdrawn.

The rejection of Claims 36 and 38 under 35 U.S.C. 102(a) as being anticipated by McCartney (US 20030065534 A1) is respectfully traversed.

Claim 38 has been cancelled. Claim 36, as amended, provides:

An Output Expression comprising a representation showing EAV trends of a particular Population having an eligibility criteria and formed from individual units each meeting at least one defined criteria, said trends are expressed in Cohort time segments based on a Start Time wherein each individual unit meets all of the eligibility criteria to be included into the Population; a showing NNT trends of a particular Population; said trends are expressed in Cohort time segments.

The Applicant submits that McCartney does not include the specific step of identifying a Start Time wherein EAV trends are expressed in Cohort time segments based on a Start Time wherein each individual unit meets all of the eligibility criteria to be included into a Population. As stated by the Examiner “McCartney does not specifically include the

following limitations...-identifying a Start Time (Applicant defines the start time generally as the time at which group membership criteria are satisfied)....” Thus, all of the steps required in Claim 36, as amended, is nowhere shown otherwise or disclosed in McCartney.

In view of the foregoing, the rejection of Claim 36 under 35 U.S.C. 102(a) as being anticipated by McCartney should be withdrawn.

The rejection of Claim 37 under 35 U.S.C. 102(b) as being anticipated by Wong (US5976082) is noted.

Claim 37 has been cancelled.

The rejection of Claims 1 – 38 under 35 U.S.C. 103(a) as being unpatentable over McCartney in view of Wong is respectfully traversed.

Independent Claim 1, as amended, provides:

A method of improving resource allocation comprising the steps of:
identifying at least one criteria;
Identifying sets of information wherein each set of information includes a UOA-ID, a CCT, and a VAR Value;
grouping each UOA-ID into an appropriate Type;
identifying a Start Time wherein each UOA-ID has met said at least one criteria;
forming at least one prospective or retrospective Cohort time segment for each UOA-ID based on their Start Time;
placing the UOA-ID into the appropriate time segment;
calculating an eligibility score for each UOA-ID for each time segment;

calculating an Eligible Adjusted Variable Value; and
generating at least one Output Expression.

McCartney discloses a method for determining resource consumption for a subject health care provider using resource consumption information from at least one other health care provider. McCartney however does not include the specific step of identifying a Start Time and forming at least one Cohort time segment based on that Start Time and then basing the entire data base structure on the unique use of calendar time to generate data based on cohort time with retrospective and prospective time segments pivoting around that Start Time. Thus, the process of the subject invention is nowhere taught or disclosed in McCartney. The Examiner however takes the position that forming at least one Cohort time segment based on the Start Time is shown in Wong and one skilled in the art would be motivated to modify and change the process of McCartney by incorporating the step of forming at least one Cohort time segment based on the Start Time determined by McCartney. However, the Examiner has not provided any showing in the cited art that would provide such motivation or teaching. Further, the Examiner takes the position that Wong provides that the Start Time is the first available date of enrollment and a time window is defined to provide a timeframe from which to judge whether events should be considered in subsequent processing. Accordingly, it appears that the Examiner believes that the "time window" is equivalent to a Cohort time segment.

In contrast, the Applicant submits that the process taught in Wong is profoundly different than the process taught in the subject invention. The Applicant refers to FIGs. 6A and 6B, column 13 lines 61 -67and column 14, lines 1 - 34 of Wong. The Applicant submits that

FIG. 6A shows that the process of Wong teaches using an events window to make a prediction window. This does not provide a teaching of a process of resource allocation. Further, point “B” operates as an Index Time (“Start Time”). As stated:

“The definition of the present instant B is important. In the subject invention, two basic definitions of B were devised in order to maximize the accuracy of the prediction model. Although, as would be understood by those skilled in the art, alternative definitions of B may also be used”

Thus, in Wong the “Index Time” or Start Time is not set or specifically defined by the criteria but is arbitrary assigned by the operator. Points “A” and “C” (a point selected on how far out in time the prediction is to be made and calendar point “B” is arbitrary. Further, Wong uses statistical regression and progression models derived from data between point “A” and point “B” to predict what will happen between points “B” and “C.” Point “B” of Wong does not set or define a start time as the time that an UOA-ID meets a set of predetermined conditions to be eligible for a defined population and therefore Wong does not apply Cohort time segments where each individual (UOA) can have a unique calendar time for point “B”, and therefore point “A” to point “B” (retrospective time segment) and point “B” to point “C” (prospective time segments). Thus, Wong teaches selecting a population with a CHF diagnoses and beginning and an end calendar time period. Then Wong teaches the selection of a point between the beginning and the end that is arbitrary (e.g. six months before the end date) and this has nothing to do for example with the diagnoses. Then within the time from the beginning to the arbitrary point between the beginning and the end, Wong seeks information important for statistical prediction of

events between the beginning point and arbitrary mid-point; and the arbitrary mid-point and the end point where the calendar time segments are the same for each person. The present invention teaches a central starting point based on criteria (or criterion) and using that as a central point where both prospective and retrospective time segments can be generated for each UOA in what is called “cohort time.”

Claim 16, as amended, provides:

A method for improving resource allocation using a plurality of sets of information, the method comprising the steps of:
for each set of information, identifying an UOA-ID, a Type, a CCT and a VAR Value;
grouping each UOA-ID into an appropriate Grouper;
identifying a Start Time wherein said Start Time is the earliest CCT for each specific UOA-ID per Type;
identifying a time segment duration;
forming time segments based on the Start Time wherein each UOA-ID meet a certain eligibility criteria;
adjusting and standardizing each VAR Value to create AdjVAR Values;
placing each AdjVAR Value into the appropriate time segment;
calculating an eligibility score for each UOA-ID; and
generating Output Expressions.

Again, Wong does not set or define a Start Time as the time that each UOA-ID meets a certain set of predetermined eligibility criteria.

Claim 31, as amended, provides:

A method of analyzing the effects of similar trademarks comprising the steps of:
identifying at least one set of information each set comprising a UOA, and a UOA-ID, a Type, a CCT, and a VAR Value;
grouping each UOA-ID into an appropriate Type;
identifying a Start Time wherein each UOA-ID meets all of the eligibility criteria to be included into a Population;
forming Time segments based on the Start Time;
adjusting and standardize each VAR Value to create AdjVar Values;

sorting and placing each AdjVAR Value into the appropriate time segments;
calculating an Eligibility Score for each UOA-ID;
generating an Output Expression; and
analyzing the Output Expression to evaluate trademark perception.

Again, Wong does not set or define a start time as the time that an UOA-ID meets a set of predetermined conditions to be eligible for a defined population. Further, neither McCartney nor Wong teaches a method for analyzing the effects of similar trademarks or providing an Output Expression that can be used to evaluate trademark perception. Thus, McCartney in view of Wong does not teach or suggest the method of Claim 31.

Claim 32, as amended, provides:

A method of analyzing and evaluating resource allocation for the health care industry comprising the steps of:
identifying a set of information, each set comprising a UOA, a UOA-ID, a Type, a CCT, and a VAR Value;
grouping each UOA-ID into an appropriate Grouper;
organizing each UOA-ID within each Grouper by succeeding CCT;
identifying a Start Time wherein each UOA-ID meets all of the eligibility criteria to be included into a Population;
forming time segments based on the Start Time;
adjusting and standardize each VAR Value to create AdjVAR Values;
sorting and placing each AdjVAR Value into the appropriate time segments;
calculating an Eligibility Score for each UOA-ID;
calculating an EAV for each time segment;
generating an Output Expression showing trends in health care for use in evaluating resource allocation.

Claim 33, as amended, provides:

A method of allocating resources for use in marketing comprising the steps of:
identifying a set of information, each set comprising a UOA, a UOA-ID, a Type, a CCT, and a VAR Value;
grouping each UOA-ID into an appropriate Grouper;
organizing each UOA-ID within each Grouper by succeeding CCT;
identifying a Start Time wherein each UOA-ID meets all of the eligibility criteria to be included into a Population;

- forming time segments based on the Start Time;
- adjusting and standardize each VAR Value to create AdjVAR Values;
- sorting and placing each AdjVAR Value into the appropriate time segments;
- calculating an Eligibility Score for each UOA-ID;
- calculating an EAV for each time segment;
- generating an Output Expression showing trends for use in evaluating resource allocation for marketing.

Claim 34, as amended, provides:

A system for use by a user in analyzing resource allocation comprising:
a central processing unit for operating software effective for performing the method of:

- identifying at least one criteria for a Population;
- identifying sets of information wherein each set of information includes a UOA-ID, a CCT, and a VAR Value;
- grouping each UOA-ID into an appropriate Type;
- identifying a Start Time wherein each UOA-ID meets all of the eligibility criteria to be included into the Population;
- forming at least one Cohort Time segment based on the Start Time;
- placing the VAR Value into the appropriate time segment;
- calculating an eligibility score for each UOA-ID for each time segment;
- calculating an Eligible Adjusted Variable Value; and
- generating an Output Expression.

As described in the subject application and referring to Wong, point “B” would be defined as the Start Time which is strictly defined as a date that the individual UOA-ID meets all of the eligibility criteria to be included into a population. Accordingly, unlike Wong, the model of the subject application using Cohort Time and real data not requiring the use of statistical regression and progression modeling, instead it can clearly use empirical data to examine the population trend both before and after the index calendar time start date of each person, now transformed into a common “cohort time” date for all persons in the population. Thus, the process of the subject application is different than that of the cited

references and there is no teaching or motivation in the cited references that would teach the combining the two references along the subject application to arrive at the claimed invention.

In view of the foregoing, the rejection of dependent Claims 1 - 38 under 35 U.S.C. 103(a) as being unpatentable over McCartney in view of Wong should be withdrawn.

SUMMARY:

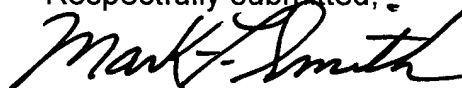
The Applicant respectfully submits that he has developed a new and novel method of improving resource allocation by management. The mere fact that one may select the particular elements or modify such elements disclosed in the prior art to arrive at the claimed invention does not support a claim for obviousness unless there is some motivation to modify the references. Such a motivation cannot be found in the Applicant's own specification, but must be shown by evidence that *is clear and particular*.

In view of the foregoing remarks, it is respectfully submitted that all of the Claims now pending are now allowable over the art of record. Reconsideration of all claims now in this application is respectfully requested.

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